

FORM PTO-1390  
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

CUSTOMER NO. 22,852  
ATTORNEY'S DOCKET NUMBER

04632.0066

U.S. APPLICATION NO.  
(If known, see 37CFR1.5)

10/540,534

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/JP2003/016669

December 25, 2003

December 25, 2002

TITLE OF INVENTION

METHOD OF REFINING METAL SURFACE AND METAL PRODUCT BY THE METHOD

APPLICANT(S) FOR DO/EO/US


1) Minoru UMEMOTO; 2) Kouichi TSUCHIYA; 3) Yoshikazu TODAKA; 4) Mitsugi UMEMURA;  
5) Hideaki KAGA; 6) Junkou KUROSAKI

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ **REQUEST FOR SUBSTITUTION OF CORRECTED TRANSLATION.**
  - b. ☒ A corrected English-language translation of international application as filed and including a translation of Table 1.

U.S. APPLICATION NO. (If known, see 37CFR 1.5) <b>10/540,534</b>		INTERNATIONAL APPLICATION NO. <b>PCT/JP2003/016669</b>		ATTORNEY'S DOCKET NUMBER <b>04632.0066</b>		
21. <input type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <span style="float: right;"><b>\$300.00</b></span> National Stage Search Fee..... <b>\$500.00</b> National Stage Examination Fee..... <b>\$200.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$</b></div>				Applicant Use	Office Use Only	
				\$		
				\$		
				\$		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate			
13			x 250.00	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <span style="float: right;"><input type="checkbox"/> 20    <input type="checkbox"/> 30</span>				\$		
CLAIMS	NUMBER FILED		NUMBER EXTRA	RATE		
Total Claims	8    - 20 =			x \$50.00	\$	
Independent Claims	1    - 3 =			x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$360.00	\$	
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				\$		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		
<b>SUBTOTAL =</b>				\$		
Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <span style="float: right;"><input type="checkbox"/> 20    <input type="checkbox"/> 30</span>				\$		
<b>TOTAL NATIONAL FEE =</b>				\$		
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property. <span style="float: right;">+</span>				\$		
<b>TOTAL FEES ENCLOSED =</b>				\$		
				Amount to be refunded:	\$	
				charged:	\$	
a. <input type="checkbox"/> A check in the amount of \$ ___ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.						
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.						
<b>SEND ALL CORRESPONDENCE TO:</b> Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, NW Washington, D.C. 20001-4413 ASG/EFC/FPC/blc DATED: August 10, 2005						
				 SIGNATURE		
				Ernest F. Chapman, Reg. No. 25,961		
				NAME/REGISTRATION NO.		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. National Phase of International Application	)	
No. PCT/JP2003/016669	)	
	)	Group Art Unit: Not Yet Assigned
Inventors: Minoru UMEMOTO et al.	)	
	)	Examiner: Not Yet Assigned
Application No.: 10/540,534	)	
	)	
Filed: June 24, 2005	)	
	)	
International Filing Date: December 25, 2003	)	
	)	
For: METHOD OF REFINING METAL SURFACE	)	
AND METAL PRODUCT BY THE METHOD	)	
	)	

MAIL STOP PCT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR SUBSTITUTION OF CORRECTED TRANSLATION**

Applicants submit a corrected English-language translation for the above-identified application filed on June 24, 2005.

In the original translation filed on June 24, 2005, applicants inadvertently submitted an English-language translation which omitted Table 1 from the last page (page 9) of the text of the specification prior to claims page 10. Table 1 is submitted in the corrected translation as page 9.1.

Except for Table 1, the text of the corrected English-language translation submitted herewith is identical to the text of the English-language translation filed on June 24, 2005.

It is respectfully submitted that no new matter enters by this amendment. On June 24, 2005, applicants filed a copy of the WIPO publication, WO 2004/059015 A1, when they entered the national phase. Table 1 was included on page 7, the last page of the text of the specification before claims page 8, of the WIPO publication. It can be clearly seen from an examination of the data, that the data in Table 1 of the corrected translation enclosed herewith, is identical to the data in Table 1 of the WIPO publication filed with the application.


In view of the foregoing, it is respectfully requested that the corrected translation containing Table 1 be substituted for the English-language translation filed on June 24, 2005, and that the corrected translation be examined by the Examiner.

If there are any fees required for the filing of this corrected translation, including any surcharge fees or extension of time fees, authorization is hereby given to charge the additional fees to Deposit Account No. 06-0916. If an extension of time is required for the filing of this request, this is a request therefor, and please charge the fee to the above deposit account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 10, 2005

By:   
Ernest F. Chapman  
Reg. No. 25,961

EFC/FPD/blc